

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 23-cr-00236-FB-2
: :
: :
- versus - : U.S. Courthouse
NICHOLAS CERAOLO, : Brooklyn, New York
: :
Defendant : June 8, 2023
: 11:22 a.m.
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government: **Breon S. Peace, Esq.**
United States Attorney

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1 THE CLERK: Criminal Cause for Arraignment on
2 the indictment, USA v. *Nicholas Ceraolo*, case number 23-
3 cr-236.

4 Counsel, please state your name for the record.
5 Appearing for the government?

6 MR. AMIR: Good morning, your Honor. Adam Amir
7 for the government.

8 MR. MINDLIN: And AUSA Alexander Mindlin for
9 the government, your Honor.

10 THE COURT: Good morning.

11 THE CLERK: Thank you. And for Mr. Ceraolo?

12 MR. APELTON: Good morning, your Honor. Robert
13 Apelton on behalf of Nicholas Ceraolo, who's with me
14 seated at counsel table.

15 THE CLERK: Thank you.

16 THE COURT: Good morning. Sir, could you say
17 your name for the record, please?

18 THE DEFENDANT: Nicholas Ceraolo.

19 THE COURT: Thank you. So good morning. I
20 just want to advise you you have the right to remain
21 silent. Anything you say here today can be used against
22 you. Even if you've made statements to the government,
23 you don't have to say anything else. And you're sitting
24 next to your lawyer. You can consult with him before you
25 say anything. Do you understand?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. So we're here because
3 the grand jury has returned an indictment that names you
4 on some criminal charges. Have you had a chance to read
5 the indictment?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: And have you discussed it with your
8 lawyer?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you fully understand the charges
11 or do you need them explained to you at this time?

12 THE DEFENDANT: I fully understand.

13 THE COURT: Counsel, would you like me to read
14 the indictment publicly?

15 MR. APELTON: No.

16 THE COURT: And how does he plead?

17 MR. APELTON: He pleads not guilty to all
18 charges, your Honor.

19 THE COURT: And I see there's an application
20 here to exclude time.

21 MR. AMIR: Yes, your Honor. There's an
22 application to exclude time from today until September 7,
23 2023 under the Speedy Trial Act.

24 MR. MINDLIN: And your Honor, I should add that
25 Judge Block set the first status conference for that date

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1 and we have his permission to exclude time.

2 THE COURT: Oh, okay. Counsel, have you
3 explained to your client what it means to exclude time?

4 MR. APELTON: I have, your Honor.

5 THE COURT: And are you satisfied that his
6 consent is knowing and voluntary?

7 MR. APELTON: I am.

8 THE COURT: All right. So Mr. Ceraolo, you
9 understand you have a right to a speedy trial?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And that means that the government
12 has to bring your case to trial within 70 days of today
13 which is the day you're arraigned on the charges. And
14 what you're agreeing to do is not to start that 70-day
15 period today but to wait until September 7th to do so and
16 to exclude the time in between. Do you understand?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Are you making this decision
19 voluntarily?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Has anybody forced you, threatened
22 you, or made you any promises?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: Okay. And did you sign this
25 document?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And I have in front of me an
3 application, an order of excludable delay, and there's a
4 signature above the defendant's line and it says Nicholas
5 Ceraolo.

6 THE DEFENDANT: Yes.

THE COURT: Okay. The application is granted.

(Matter concluded)

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 18th day of March, 2024.

Mary Greco
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